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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,269	05/11/2001	Ronald V. Surya	TRO4-BO57	5876

7590 02/13/2002

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EXAMINER

BRAUN, FRED L

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,269

Applicant(s)

Surya et al

Examiner

Fred L Braun

Group Art Unit

2852

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on May 11, 2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-11 ☒ are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11 ☒ are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The drawings are objected to because reference letters "A" and "B" which are depicted in Figure 4 of the drawings are not mentioned in the specification as required by 37 CFR 1.84(p)(5).

Correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4, 5, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumoto.

It is submitted that all of the claimed apparatus and method steps broadly recited in the claims are obvious to one having ordinary skill in the art upon perusal of column 4, line 14 through column 5, line 59 of Kusumoto wherein the plurality of magnets 47, 48 (Fig. 4) and 61, 62 (Fig. 3), respectively, on the printer cartridges 5, 6 (Figs. 3 and 4), respectively, of same

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cooperate with the reed switches 49, 50, 63, 64 (Fig. 3) on the printer and the circuitry associated with the printer for evaluating the position of the reed switches, as recited on lines 5 and 6 of base claim 8, for example, and lines 5-7 of method claim 11, for example, to thereby determine the specific type of printer cartridge that is present in said printer.

5. Claims 1-3, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumoto as applied to claims 4, 5, 8, 10 and 11 above, and further in view of Holce.

The patent to Holce (column 4, line 48 through column 6, line 48) shows that it is well known in the art of reed switches to position a stronger magnet 54 adjacent to a reed switch 14 and cooperating biasing magnet 26 for said reed switch to hold the reed switch in its actuated or desired normally open NO and/or normally closed NC position.

Therefore, to provide the printer cartridge identification system of Kusumoto with a reed switch and cooperating magnet in the printer wherein said reed switch is actuated to hold it in the desired normally open NO and/or normally closed position NC when a stronger magnet is opposed to the reed switch and cooperating magnet of same, as suggested by Holce, would be an obvious modification of the prior art to one having ordinary skill in the art at the time applicants invention was made.

6. The patents Midorikawa et al and Takano are cited of interest to further show the obviousness of providing the process cartridge identification system of a printer with a magnetic means and cooperating reed switch to identify the specific type of cartridge in the printer.

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7. Any inquiry concerning this communication should be directed to Fred L. Braun at telephone number (703) 308-0128.

Fred L. Braun
FRED L. BRAUN
PRIMARY EXAMINER
ART UNIT ~~2852~~

Braun/ds

02/09/02